#1,4, gov 5/20/03

PAGE 01

ADLER & ASSOCIATES

P.O. BOX 710509 HOUSTON, TEXAS 77271-0509

WRITER'S DIRECT DIAL (713)-270-5391 WRITER'S DIRECT FACS. (713)- 270-5361 E. MAIL: BADLER1@houston.rr.com INTELLECTUAL PROPERTY LAW (PATENT, BIOTECHNOLOGY, COMPUTER, TRADEMARK & TRADE SECRET LAW)

May 19, 2003

FACSIMILE COVER SHEET

PLEASE DELIVER TO: Ex. Anne Marie Webbe

COMPANY: Art Unit 1632, USPTO

303-8724

FACSIMILE NUMBER: 703/746-7024

NUMBER OF PAGES (COUNTING COVER SHEET): 16

FROM: Benjamin Aaron Adler, Ph.D., I.D./Colleen Werner

MESSAGE: As discussed, I attach the RCE including Response after Final filed with the PTO on February 24, 2003 for 09/393,173 (Our Ref.: D6163). The sequence of events are that the RAF was signed/dated on 2/3/03 and faxed under a Certificate of Facsimile Transmission on 2/11/03. The RCE with the RAF was filed 2/24/03 and indicated the submission was enclosed when it should have stated previously submitted. A copy of the date-stamped return postcard for the RCE/RAF is also attached. Should you have any questions or comments, or require additional information, please call me or Dr. Adler at 713/270-5391. Thank you. Colleen Werner.

CONFIDENTIALITY NOTICE: Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this facsimile is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader is not the intended recipient or an employee or agent responsible for delivery, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please immediately notify Benjamin Adler at 713/270-5391 and promptly return the facsimile. Thank you.

ADLER & ASSOCIATES

P.O. BOX 710509 HOUSTON, TEXAS 77271-0509

WRITER'S DIRECT DIAL (713)-270-5391 WRITER'S DIRECT FACS. (713)-270-5361. E. MAIL: badler1@houston.rr.com INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

Application Number: 09/393,173 Filing Date.: September 9, 1999 First Named Inventor: Curiel

Group Art unit: 1632

Examiner Name: Wehbe, A. Attorney Docket No.: D6163

THE ASSISTANT COMMISSIONER FOR PATENTS BOX RCE WASHINGTON, D.C. 20231

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

- 1. Submission required under 37 C.F.R. § 1.114:
 - a. _ Previously submitted
 - i. _ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
 - ii. _ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. _ Other
 - b. X Enclosed.
 - i. X Amendment/Reply
 - ii. X Affidavit(s)/Declarations
 - iii. _ Information Disclosure Statement (IDS)
 - iv. _ Other

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Curiel et al.

FILED: September 9, 1999

SERIAL NO.: 09/393,173

FOR: Adenoviral Vector Encoding Pro-

Apoptotic Bax Gene and Uses Thereof

The Assistant Commissioner of Patents and Trademarks

BOX RCE

Washington, DC 20231

ART UNIT: 1632

EXAMINER:

Wehbe, A.M.S.

DOCKET: D6163

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to The Assistant Commissioner of Patents, Box RCE, Washington DC 20231:

1) Response to Final Office Action;

2) Declaration under 37 C.F.R. 1.132; and

3) Request for Continued Examination Transmittal.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Date: [eh 24,2803

ADLER & ASSOCIATES 8011 Candle Lane Houston, Texas 77071 (713) 270-5391 badler1@houston.rr.com Respectfully submitted,

Benjamin Aaron Adler, Ph.D., J.D.

Counsel for Applicant Registration No. 35,423

(

PAGE 04

Ĺ

2. Miscellaneous:

- a. _Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of
- b. _ Other:
- 3. Fees:
 - a. X The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. <u>07-1185</u>
 - i. X RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. __ Extension of time fee
 - iii. _ Other
 - b. _ Check in the amount of \$__ enclosed
 - c. _ Payment by credit card (Form PTO-2038 enclosed).

DATE: FOD 2918003

ADLER & ASSOCIATES 8011 Candle Lane Houston TX 77071 (713) 270-5391

E-MAIL: badler1@houston.rr.com

Benjamin Aaron Adler, Ph.D., J.D.

Counsel for Applicant Registration No. 35,423

West and the second of the sec

OF THE PATENT OFFICE, PLACED HEREON, ACKNOWLEDGES RECEIPT OF.

Automoy: Benjamin Autom Actom Autom Aut Attorney: Benjamin Asron Adler
6163 Dere: 2/24/03 Docket No.: Scriel No. 09/393,173 | Provisional Patent Application wicevershee|
| Sequence Listing w/ Compliance Letter + CRF
| Application for Patent including | PCT
| pages spec. total claims
| Request for filing | Continuation MAR | 3 7013
| Divisions | Divisions | Continuation | Divisions | Division Petition for Extension of Time [7]
with check for
Response to Notice to File Missing Paris
Response to Office Action [6]
Response to Restriction Requirement
Priority Document
Issue Fee Transmittal
Amendment after allowance
Information Disclosure Statement
Information Disclosure Statement COADEMAR PTO form 1449 Notice of Appeal
Appeal Brief in triplicate
Transmittal letter for Appeal Brief [] Certificate of Mailing 1.10 Express No.:EL Certificate of Mailing 1.8 PCT Request PCT Demand [] Affidavit or M Declaration [] Cash
[] Combined Declaration and Power of Attorney
[] Assignment, w/check for 5 not included... Power of Accomey by applicant Other: Postcard

AND SHAND SHAND SHOWN AND SHOWN AND SHOWN AND SHOWN SHOWS SHOWN AND SHOWN AN



Revenue Accounting and Management

Name/Number: 09393173

Total Records Found: 8

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount Mailroom Date	Payment Method
09/20/1999	00000176	<u>1</u>	<u>201</u>	\$380.00 09/09/1999	CK
04/20/2000	00000020	<u>1</u>	<u>215</u>	\$55.00 04/18/2000	CK
01/10/2001	00000123	<u>1</u>	<u>217</u>	\$445.00 01/08/2001	CK
01/10/2001	00000122	<u>1</u>	<u>231</u>	\$355.00 01/08/2001	CK
10/09/2001	00000081	<u>1</u>	<u>217</u>	\$460.00 10/04/2001	DA 071185
02/14/2003	00000002	<u>1</u>	<u>2253</u>	\$465.00 02/11/2003	DA 071185
02/20/2003	00000165	<u>1</u>	<u>2253</u>	\$465.00 02/19/2003	DA 071185
03/04/2003	00000134	<u>1</u>	<u>2801</u> <	\$375.00 03/03/2003	DA 071185